



Lambda Letters Project

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Is It Enough?

Lavender Library, Archives
and Cultural Exchange
Sacramento, CA

by Boyce Hinman, Administrator

Is the kind of work, and the amount of it, done by Lambda Letters Project enough? Can the work that we do make a difference? Is it worth the effort?

Are these surprising questions? I have always believed in facing reality and so I invite you to join me as I ponder these questions. Why ask the questions in the first place? Because this year has seen absolute carnage in the state legislature. Most of the bills we care about have died, were gutted in the legislature, or were vetoed by the governor. So it makes sense to reevaluate our strategy. (I invite you to read the other article on this page for details on the carnage.)

There are four main strategies for influencing legislation:

- ♦ Public demonstrations and marches
- ♦ Making campaign contributions to candidates
- ♦ Using paid lobbyists to influence elected officials
- ♦ Having people write or call their elected officials

Lambda Letters was born out of the experience at the 1987 March on Washington. I was very impressed by the half million marchers at that event. But Congress wasn't. A few days after the march the United States Senate voted to put crippling restrictions on federally

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Fire Season

by Boyce Hinman, Administrator

This has been the worst fire season in over 50 years. Millions of acres of rural lands have been destroyed by wildfires. At the same time, Governor Davis has been engaged in his own scorched-earth, take-no-prisoners campaign against civil rights legislation in California.

In May he signed legislation protecting the right of lesbians, gays, and bisexuals *to serve on juries*. Whoopee! Then he announced that he would sign no more gay rights legislation this year. As a result, several domestic partner bills never got out of the Assembly (AB 901, AB 1990, AB 2047, and AB2211). One bill (AB 2421) was gutted before it was passed. The governor vetoed SB 118, a bill requiring employers to give employees time off to care for their seriously ill domestic partners.

The governor also vetoed a bill (AB 1851) that clarified the process by which transsexuals obtain legal recognition of their new gender. Yet another bill (AB 2142) died for the lack of one vote in the Senate Judiciary Committee. This bill would have banned employment and housing discrimination against transgendered people. Senator Steve Peace (D-El Cajon) agreed to provide the one more vote needed if

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Lambda Letters Progress Report

Messages Collected

August, 2000	18,226 letters & e-mails
In all of 2000	108,959 letters & e-mails

Dollars Spent

August, 2000	\$2,261
In all of 2000	\$14,519

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Please support the very important work of the Lambda Letters Project with your contributions.

Lambda Letters Project

Mission Statement

To promote people of color, feminist, lesbian, gay, bisexual, transgender, and HIV/AIDS status advocacy, and to bring people of color, women, lesbians, gays, bisexuals, transgendered persons, and persons affected by or living with HIV/AIDS into full participation in the mainstream of American society now, exercising all the privileges and responsibilities thereof.

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Support the Death Penalty Moratorium

by Marty Martinez & Boyce Hinman

A study by the Justice Department, released in September, reveals that blacks and whites are treated differently in regard to application of the death penalty. This is the first official review of the federal death penalty since its re-inception in 1988. The report finds that in cases where the federal prosecutor sought the death penalty, the defendant was a minority in 75 percent of the cases. In over half of the cases, the defendant was African-American. The report also finds that a handful of prosecutors are responsible for a large proportion of death penalty requests, raising the troubling possibility that particular prosecutors have either a bias toward the death penalty or against minorities.

There have been many calls for a moratorium on the death penalty—both at state and federal levels—because of growing public awareness of the disparate racial impact. Groups such as the American Bar Association have endorsed a moratorium and federal legislation has been introduced to halt any threat of executions. Lambda Letters has previously urged members to call for such a moratorium in their letters. Attorney General Janet Reno has called for additional studies to analyze the discriminatory impact of the death penalty, but has stopped short of endorsing a moratorium.

Besides the Justice Department report, a recent *New York Times* investigation revealed that the death penalty has no discernable deterrence on the murder rate. For example, states with death penalties have murder rates 48–101 percent higher than states without death penalties, even when those states have similar populations.

One final point. There are an alarming number of cases in which murder convictions have been found to be in error. This happened so often in Illinois that the (Republican) governor imposed a moratorium earlier this year on any further executions in his state, so his administration could investigate the issue.

It's clear that the death penalty is applied much more often to people of color. It is also clear that there is little evidence to demonstrate that the death penalty has any deterrent effect on homicide. Given the number of erroneous murder convictions, President Clinton

Affordable HIV Medications for Poor Countries

by Marty Martinez, AIDS Project East Bay

The high price of medications that prolong the lives of persons with HIV and AIDS can cause great hardships for persons who require those drugs. Still, for the most part drugs are at least attainable through federal and state programs such as the AIDS Drug Assistance Program (ADAP), part of the Ryan White CARE Act. And in states such as California, which has a well-funded ADAP program, the drugs are available. However, in poorer countries without government programs to help make drugs more affordable, AIDS drugs may be impossible to get.

The Affordable HIV/AIDS Medicines for Poor Countries Act, HR 5101, sponsored by Representative Maxine Waters (D-CA), would attempt to take steps to help persons with HIV in poor countries gain access to life-saving medicines. The bill requires the U.S. Department of the Treasury and the Food and Drug Administration to use whatever leverage they can to encourage countries that do business with the United States to develop programs that would assist poor residents of those countries to obtain affordable HIV medications, and to encourage pharmaceutical companies to lower their prices and make drugs as available as possible. The bill also attempts to direct the administration not to challenge any policy by the World Trade Organization that attempts to make these drugs more accessible.

The bill seems to still be in an early, formative stage but it is important to make an early stance in support of such an important bill. The bill is currently before the House International Relations committee, chaired by Representative Benjamin A. Gilman (R-NY), to whom the enclosed letter of support is addressed. ###

should proclaim a moratorium on further federal executions until the above problems can be resolved. We urge you to write to the president, urging him to do just that. We also urge you to sign the enclosed letter to Janet Reno. ###

Fund Home-Based Care

by Adrienne Lauby

Ninety percent of disabled women of working age live in poverty. Those who are not already institutionalized are likely to become so as they age. In addition, due to the inadequate medical finance system in this country, many women find themselves choosing among unacceptable options for the care of their aging parents. Yet another part of this story is the significant number of mothers forced to institutionalize their disabled children or impair their own financial and physical health caring for them at home. Over two million Americans, male and female, are institutionalized and many are there because they do not have the control and choice, the basic human right, to live where they want to live.

Taxpayers spend over \$51 billion on Medicaid long-term care, 80 percent of which goes to institutions, mainly for nursing homes and intermediate care facilities for the mentally retarded. Hard-working and loving minority and working-class women generally comprise the staff in nursing homes. Despite the massive amounts of money involved, they are underpaid and overworked.

Unusual model programs in Kansas and Colorado have tested and validated an alternative—that of a waiver/voucher system which attaches the money to the disabled individual and allows a choice of community-based care. The experience of these programs shows that they are no more expensive and much preferred than traditional programs. During this legislative session, MiCASA, the Medicaid Community Attendant Services and Supports Act (HR 2020), would set such a system in place nationwide. MiCASA would also provide economic support and real options to both disabled people and those who wish to care for them at home.

Activists from ADAPT, an organization for the disabled, have shadowed presidential candidate Gore's campaign with their slogan, "There's no place like home." Due to their efforts, he has spoken out in support of reform of long-term care, saying that this time of budgetary surplus is the time to "do it."

Community and home-based services are the preference of most Americans. MiCASA will make such choices possible and humanitarian for all involved. Please sign the enclosed letter to your representative, urging passage of HR 2020. ###

Transgender Rights

by Boyce Hinman

We urge you to write Governor Davis to express your disappointment with his actions on this year's two transgender-rights bills.

Governor Davis vetoed AB 1851, which would have provided guidance to California courts on how to proceed when a transsexual requests legal recognition of his or her new sex. Current law tells the courts what to do when the petitioner was born in California and still lives here. It does not guide the court on how to proceed when the petitioner either was born outside California or was born here but lives elsewhere now.

The governor also contributed to the defeat of AB 2142 in the legislature by refusing to express support of it. AB 2142 would have amended California's Fair Employment and Housing Act to ban discrimination against transgendered people.

The governor's veto message on AB 1851 had several spurious arguments. He said he had to veto the bill because it would impose duties on the State Registrar to issue certificates of change of sex, which is inconsistent with the statutory responsibilities of the Registrar. In essence he was saying AB 1851 would change prior law. Folks, that's what 99 percent of the laws passed in California do. He went on to say that the provisions of AB 1851 would violate the privacy of the transsexual making use of it. However, the whole process is very public. Most transsexuals seek legal recognition of a new, gender appropriate name at the same time they seek recognition of their new sex. A change of name requires publication of the name change in a newspaper of general circulation. This is done to prevent fraud and to allow objections to the name change to be made for good cause.

The governor also objected to the bill because it did not require the sealing of the petitioner's original birth certificate (which would show the previous sex of the person). The governor forgets that many of the people covered by the proposed law were born outside California. California courts have no jurisdiction to force entities outside California to seal birth records.

It seems apparent that Governor Davis just did not want to deal with the whole subject of transgendered people. Please write to him to complain about his treatment of AB 1851 and AB 2142. ###

October Legislative Update

Below is a list of important state bills that we are aware of at this time. The list shows the status of bills as of late September. The state legislature closed for the year at the end of August. Governor Davis has until September 30th to decide whether or not to veto the bills sent to him.

The governor opposed much of the progressive and civil rights legislation introduced in the legislature this year. It will be of great interest to see what he does with the bills that were sent to him by the legislature. He has been vetoing, or otherwise opposing, gay rights bills. He even vetoed a bill (AB 2421) making minor changes to the provision of domestic partner status to opposite-gender, senior citizen couples. Probably the subject was too close to domestic partnership for same-sex couples.

It is also interesting to note that five of the Women's Issue bills in the following list were signed by the governor, while none of the LGBT bills have yet been signed. The news media has been full of stories about how political candidates are in hot pursuit of women voters as the candidates seek election victories. The high number of signed women's bills may be a reflection of that fact.

Please note that if the status line for a bill says "Sent to the governor for signature," it means that as of the date of this update, the governor had not yet announced whether or not he would sign the bill.

HIV/AIDS Issues

AB 1722 (Martin Gallegos, D—City of Industry)

Purpose: To allow the state to offer Medi-Cal benefits to the working disabled poor if federal resources are available to do so.

Status: Sent to the governor for signature.

LLP Position: Support.

AB 2037 (Ellen Corbett, D—San Leandro)

Purpose: Existing law requires the State Department of Social Services to conduct a demonstration project to provide certain services to children, under the age of 37 months, who are alcohol or drug exposed or who are HIV-positive. This bill increases the age to 60 months.

Status: Sent to the governor for signature.

LLP Position: Support.

AB 2168 (Martin Gallegos, D—City of Industry)

Purpose: To encourage insurance providers to view HIV and AIDS as conditions or diseases that require treatment by a provider with demonstrated expertise in the treatment of these conditions.

Status: Signed by the governor.

LLP Position: Support.

AB 2809 (Robert Pacheco, R—City of Industry)

Purpose: Existing law requires that a blood specimen be obtained from a pregnant woman before or at the time of delivery. The blood must be tested for blood type and the presence of hepatitis B. This bill would require the blood also to be tested for the presence of HIV. A woman could refuse HIV testing if she has been determined to be chronically infected with HIV or if a medical professional explains the purpose of testing and the currently approved treatments. Proponents and opponents agreed to several good amendments to this bill prior to its being approved by the Assembly Health Committee. For example, the revised version requires that the woman give informed, written consent prior to HIV testing. However, the California Medical Association tried to amend in some of the bad features of the bill again before the Health Committee vote. They failed at this time.

Status: Vetoed.

LLP Position: Neutral.

Lesbian/Gay/Bisexual/Transgendered Issues



AB 1785 (Antonio Villaraigosa, D—Los Angeles)

Purpose: To require school districts to report incidents of hate crimes in their schools and to establish procedures for doing so. Makes other changes to promote diversity in schools.

Status: Sent to the governor for signature.

LLP Position: Support.

Don't Know Who Represents You?

 Send your request with a stamped, self-addressed envelope and we'll send you a complete list of your elected officials. Or go to www.lambdaleters.org to find out who represents you. 

October Legislative Update

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AB 1851 (John Longville, D-San Bernardino)

Purpose: To provide directions to California's courts as to how to process petitions from post-operative transsexuals for recognition of their new sex and new, gender appropriate name. Has been amended to require people from out of state to live in California for six months before requesting recognition from California courts of their change of gender.

Status: Vetoed.

LLP Position: Support. Lambda Letters is a sponsor of the bill.

AB 1931 (Jack Scott, D-Pasadena)

Purpose: To require school districts to report annually on the number of suspensions and recommendations for expulsions resulting from school hate crimes. Appropriates \$150,000 for training to assist school district staff in the identification of hate crimes. Provides \$2,000,000 for student and teacher training focused on overcoming prejudice, countering hatred, and fostering ethnic sensitivity.

Status: Sent to the governor for signature.

LLP Position: Support.

AB 2000 (Antonio Villaraigosa, D-Los Angeles)

Purpose: To establish the California Commission on Human Relations in the Department of Fair Employment and Housing (DFEH) to make policy recommendations to the governor and the legislature regarding the collection, dissemination of information, standards and guidelines for local human relations commissions; appropriates \$150,000 to establish the commission.

Status: Sent to the governor for signature.

LLP Position: Support.

AB 2421 (Carole Midgen, D-San Francisco)

Purpose: The purpose of this bill was radically changed. It now only states that only one member of opposite gender couples needs to be over 62 for them to register with the state as domestic partners.

Status: Vetoed.

LLP Position: Support.

SB 1149 (Tom Hayden, D-Los Angeles)

Purpose: To require employers to grant family and medical leave to employees who care for seriously ill domestic partners, siblings, or grandparents.

Status: Sent to the governor for signature.

LLP Position: Support.

SB 1410 (Jackie Speier, D-San Mateo)

Purpose: To provide that domestic partners of San Mateo County employees will be eligible for the same survivor benefits received by spouses of county employees if the member and the member's domestic partner have a current Affidavit of Domestic Partnership on file with San Mateo County for at least one year prior to the member's retirement or death before retirement.

Status: Sent to the governor for signature.

LLP Position: Support.

SB 2025 (John Burton, D-San Francisco)

Purpose: To incorporate all the provisions of the Fair Employment and Housing Act (FEHA) into the State Civil Service Act. Provides the protections of FEHA (including protections from sexual orientation-based discrimination) to state employees.

Status: Sent to the governor for signature.

LLP Position: Support.

People of Color Issues

AB 1746 (Scott Wildman, D-Glendale)

Purpose: To improve educational opportunities for American Indians.

Status: Vetoed.

LLP Position: Support.

SB 984 (Richard Polanco, D-Los Angeles)

Purpose: To establish March 31st as Cesar Chavez Day and to designate the date as a paid holiday for state employees. Requires public schools to teach about Cesar Chavez.

Status: Signed by the governor.

LLP Position: Support.

SB 1364 (Patrick Johnston, D-Stockton)

Purpose: Current law prohibits health care professionals and organizations from releasing the results of genetic testing to a third party without the prior written consent of the person tested. This bill stipulates that the prohibition also applies to genetic traits in which the person is asymptomatic for the disease which might result from a genetic trait. Also requires the state to set standards for those who care for patients with illnesses relating to genetic trait.

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October Legislative Update

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Status: Sent to the governor for signature.

LLP Position: Support.

Women's Issues

AB 525 (Sheila Kuehl, D-Encino)

Purpose: To require hospitals and disability plans to advise potential customers that they may want to request information about reproductive services provided by the plan before signing up with it.

Status: Signed by the governor.

LLP Position: Support.

AB 908 (Elaine White Alquist, D-Santa Clara)

Purpose: To establish the gender-equity, train-the-trainer grant program for the award of grants from funds available for that purpose to the governing boards of school districts and county offices of education. The bill would require the Superintendent of Public Instruction to develop criteria for the grant applications and to select grant recipients. The end purpose of the program would be to train public school teachers in gender-equity education.

Status: Signed by the governor.

LLP Position: Support.

AB 1814 (Ted Lempert, D-Palo Alto)

Purpose: To provide that mothers who are breast feeding their children are exempt from jury duty until they stop breast feeding their children.

Status: Signed by the governor.

LLP Position: Support.

AB 1856 (Sheila Kuehl, D-Encino)

Purpose: To make non-owner, non-supervisory employees liable for harassment of coworkers on the basis of race, religious creed, color, national origin,

ancestry, physical or mental disability, medical condition, marital status, sex, age, or sexual orientation. Introduced to reverse a State Supreme Court decision that said such harassment by owners or supervisors is prohibited by law, but not harassment by coworkers.

Status: Sent to the governor for signature.

LLP Position: Support

AB 2038 (Elaine White Alquist, D-Santa Clara)

Purpose: To require a grantee in conducting or supporting a project of clinical research to ensure that women of all ages and members of minority groups are included as subjects in the clinical research projects.

Status: Signed by the governor.

LLP Position: Support.

AB 2108 (Carole Migden, D-San Francisco)

Purpose: To require that all terminally-ill female inmates receiving hospice care in the Central Women's Facility receive a standard of care similar to the treatment given to male inmates at the state prison facility in Vacaville.

Status: Signed by the governor.

LLP Position: Support.

AB 2357 (Mike Honda, D-San Jose)

Purpose: To require employers to grant a victim of domestic abuse up to 15 days of unpaid leave in a 12-month period so the employee can seek legal assistance, counseling, assistance from a domestic violence shelter, etc. to deal with the domestic violence.

Status: Signed by the governor.

LLP Position: Support.

SB 193 (Richard Polanco, D-Los Angeles)

Purpose: Existing law provides for the Breast Cancer Research Account in the Breast Cancer Fund. Ninety percent of the moneys in the Breast Cancer Research Account is allocated to the Breast Cancer Research Program created at the University of California. This bill would require the State Department of Health Services to offer for sale breast cancer license plates to be sold at a price determined by the department, with the proceeds to be deposited into the Breast Cancer Research Account in the Breast Cancer Fund.

Status: Sent to the governor for signature.

LLP Position: Support.

###

Deborah A. Brooks

Certified Public Accountant



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Is It Enough?

Continued from page 1

funded AIDS educational materials. It seemed clear that demonstrations were not enough.

Groups like the Human Rights Campaign pour millions of dollars into the campaigns of friendly legislators. So do many other groups or individuals from our community. And yet Congress still won't pass a law to ban sexual orientation-based discrimination. Also, the financial resources of our community are much smaller than those of our opponents. Campaign contributions are not enough.

Lambda Letters sends letters to elected officials from people in their districts (from people who could vote them out of office). Those letters tell officials the right thing to do. So do other organizations in our community. Lambda Letters has delivered over 100,000 letters and messages this year and yet it clearly has not been enough.

Our community has actually been doing all of the above and I think each of those functions are important. Campaign contributions to friendly candidates generally assure that we have more friendly elected officials. (Governor Davis this year arguably is a crucial exception to this principle.) Paid lobbyists help us discover important bills before the legislature, help us learn the views of our legislators, and help persuade legislators to vote the right way. Our letter writing does much to support the message being brought to legislators by our community's paid lobbyists.

And yet clearly, this year, it wasn't enough. We need to know why, so we can do better. Time after time, this year, elected officials were saying we aren't important enough to them. They view supporting our aspirations as being riskier politically than opposing our wishes.

So what can we do to become more important to elected officials? Part of the answer is doing more of the same: marching, contributing, lobbying, letter

writing, etc. However, liberals and Democrats take our support for granted. We've been like a cheap date; it hasn't taken much to keep us happy. We should be more demanding and seriously withhold our support until we get better service.

We also need to work more on alliances with other minority communities; support their issues in return for their support of ours. Then jointly inform elected officials that they must serve all our communities to get our support. Together our communities could become a powerful force that politicians would ignore at their peril.

Elected officials fear they will offend John Q. Public if they do too much to support the LGBT community. We must do a much better job of informing the public and winning them over to our side. That would reduce the fear factor and might even get lobbying assistance for our cause from the general public. PFLAG and Gay Straight Alliances are examples of informed straight people who have come to our defense.

Obviously no one organization can do all these things and I expect Lambda Letters will concentrate on getting better and better at constituent mail. However, I hope we can be part of a community-wide reexamination of our strategy that will provide us with the tools needed to march onward to full equality and acceptance in American society.

###



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Fire Season

Continued from page 1

Governor Davis would agree not to veto the bill. The governor wouldn't and so Senator Peace didn't.

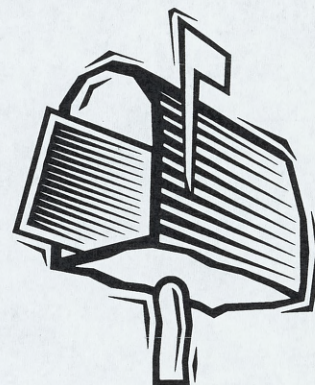
The governor pressured Senator Betty Karnette (D-Long Beach) to delete key non-discrimination language from her special-interest license plate bill (SB 1329). The governor forced Senator Kevin Murray (D-Los Angeles) to remove key language from his "driving while black or brown" bill (SB 1389). The deleted language would have forced police departments to count and report the ethnicity of the people stopped for traffic violations. This would have been a powerful deterrent to racial profiling by police.

It has been disappointing to see how ineffective liberals and Democrats in the legislature have been in opposing the governor's efforts. They bargained hard with the governor on the issues of combating juvenile crime and who should get state paid college scholarships. As a result, legislators got much of what they wanted on those issues. But on LGBT civil rights bills they usually said, "The governor opposes these bills. What can we do?"

For centuries parliaments have controlled the king through the power of the purse. State legislators can wield power over the governor in the same way. The Democrats and liberals pretty much gave up on civil rights legislation in May. One even announced, with apparent resignation, that the governor would sign no more gay civil rights bills this year.

Yet the budget wasn't approved until over a month later. The budget must be approved by two-thirds majorities in both houses of the state legislature. Thus just one-third of the members of either house could have blocked the budget until the governor gave in on at least some of the civil rights issues. Or legislators could simply have refused to fund one or two of the governor's pet projects until he met their demands. There is little evidence that much serious bargaining occurred on our bills. We need more from our legislators.

###



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